

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**TENNESSEE EQUALITY PROJECT
FOUNDATION, INC.,**

Plaintiff,

v.

THE CITY OF MURFREESBORO, et al.,

Defendants.

Case No. 3:23-cv-01044

Chief Judge Waverly D. Crenshaw

Magistrate Judge Barbara D. Holmes

**AGREED ORDER
REGARDING DISMISSAL OF CERTAIN COUNTS AND RELIEF**

Pursuant to the agreement of the parties, as evidenced by the signatures of counsel below, and in conjunction with the representations made by counsel:

1. In light of the City of Murfreesboro's repeal of the 1977 Definition (as defined in the Complaint), which went into effect on November 17, 2023, Plaintiff Tennessee Equality Project Foundation, Inc. ("Plaintiff") hereby dismisses with prejudice Counts VII through XI of its Complaint;

2. Plaintiff did not intend to assert Counts I through VI of the Complaint against Defendant Mayor Shane McFarland or Defendant Craig Tindall in their personal capacities; but for the avoidance of doubt, Plaintiff hereby dismisses with prejudice Counts I through VI of the Complaint as against Defendants McFarland and Tindall in their personal capacities. Plaintiff continues to assert Counts I through VI against Defendants McFarland and Tindall in their official capacities.

3. Plaintiff dismisses any claim for money damages against Defendants McFarland and Tindall in their official capacities in Counts XII through XIV of the Complaint. Plaintiff continues to seek injunctive relief under Counts XII through XIV against Defendants McFarland

and Tindall in their official capacities, as well as monetary damages against them in their personal capacities under Counts XII through XIV.

It is SO ORDERED.

WAVERLY D. CRENSHAW, JR.
Chief Judge, United States District Court

APPROVED FOR ENTRY:

/s/ Andrew M. Hensley

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CERTIFICATE OF SERVICE

I certify that, on December 8, 2023, I electronically filed the foregoing Agreed Order Regarding Dismissal of Certain Counts and Relief, using the Court's cm/ecf system, which automatically provides notice via email to the following counsel of record:

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Respectfully submitted,

/s/ Andrew M. Hensley
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